

MISSISSIPPI HAZARDOUS WASTE FACILITY SITING PROVISIONS

Topics

[Administration](#)

[Local Community Needs and Involvement](#)

[Public Participation](#)

[Siting Restrictions and Prohibitions](#)

[Environmental Justice Considerations](#)

[Economic Criteria](#)

[Other Criteria](#)

Relevant Statutes and Regulations:

- G “Mississippi Hazardous Waste Facility Siting Act of 1990”, Mississippi Code, 1972, Volume Five, Chapter 18, as published in 1995 by Lawyers Cooperative Publishing.
- G “Solid Wastes Disposal Law of 1974”, Mississippi Code, 1972, Volume Five, Chapter 17, §17-17-55, as published in 1995 by Lawyers Cooperative Publishing.
- G “Mississippi Air and Water Pollution Control Law”, Mississippi Code, Sections 49-17-17 and 49-17-29, 1996.
- G Hazardous Waste Management Regulations, Mississippi Department of Environmental Quality, Office of Pollution Control, adopted on January 25, 1996, effective on March 1, 1996.
- G <http://www.deq.state.ms.us/newweb/homepages.nsf> lists contacts in the Legal Division and lists some regulations

Mississippi Hazardous Waste Facility Siting Provisions

Other Relevant State Documents:

- G “Commercial Hazardous Waste Management Facility: Demonstration of Need Regulations”, Mississippi Environmental Quality Permit Board, undated.

State Agency Web address:

- G <http://www.deq.state.ms.us/newweb/homepages.nsf>

Affected Facilities:

All commercial hazardous waste management facilities are subject to the siting requirements outlined at section 264.S2 of the State’s Hazardous Waste Management Regulations. There are specific provisions for the following types of facilities:

- G New commercial hazardous waste management facilities
 - G Expansions of commercial hazardous waste management facilities
 - G Commercial hazardous waste incinerators
 - G Commercial hazardous waste landfills
 - G Commercial hazardous waste land-based units
 - G Active portions of commercial hazardous waste management facilities
- G State commercial hazardous waste management facility: Prior to the promulgation of the siting regulations for commercial hazardous waste management facilities, the State passed the Mississippi Hazardous Facility Siting Act of 1990 (Mississippi Code, Sections 17-18-1 *et seq.*) for siting a state commercial hazardous waste management facility. In addition, section 17-18-47 of the Siting Act also gives the Governor the authority to suspend the process of siting a state commercial hazardous waste management facility if the Permit Board or the U.S. EPA issues a RCRA permit for the operation of a commercial hazardous waste management facility within the State. The Act was passed primarily because of the problems the State was having in shipping its hazardous waste outside the State for disposal. With the promulgation of the siting requirements in the State’s regulations and the receipt of applications for several disposal facilities, the State has not proceeded with the plan for siting of a State facility. To date, no hazardous waste disposal facility has actually received a permit; however, one facility has met all the technical requirements and its application is with Permit Board for review of other components of the application, including the requirements addressing demonstration of need and disclosure.

Mississippi Hazardous Waste Facility Siting Provisions

Definitions of Facility Types:

- G** “Commercial hazardous waste management facility” means any facility engaged in the storage, treatment, recovery or disposal of hazardous waste for a fee and which accepts hazardous waste from more than one generator.
Exclusion: For the purpose of Section 17-17-151(3)(a) only, a facility (i) which is designed principally for treatment of aqueous hazardous wastes and residue; (ii) which is situated within an industrial park or area; and (iii) disposes of no hazardous waste within the State of Mississippi is NOT considered a commercial hazardous waste management facility. *[17-17-3(c)]*
- G** “Incinerator” - same as Federal in 40 CFR 260.10.
- G** “Land-based Unit” means a unit subject to Mississippi Hazardous Waste Management Regulations Part 264, Subpart F, including landfills, surface impoundments, waste piles, land treatment units and certain hazardous waste management units subject to Part 264, Subpart F. Land-based unit also means a tank that closes under Mississippi Hazardous Waste Management Regulations 264.197(b), leaving contaminated soils in place. (264.S2.2.)
- G** “Landfill” - same as Federal in 40 CFR 260.10.
- G** “State commercial hazardous waste management facility” means a facility which receives hazardous wastes directly or indirectly from more than one (1) generator for the storage, processing, treatment, recycling, recovery or disposal of hazardous wastes for a fee and is authorized under the Mississippi Hazardous Waste Siting Act of 1990. *[17-18-5(g)]*

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADMINISTRATION			
STATE ADMINISTERING AGENCY			
Mississippi Commission of Environmental Quality (Commission)	NA	<i>[17-17-151(6)]</i>	<p>The Mississippi Commission on Environmental Quality (Commission) has the authority to develop and adopt criteria and standards to be considered in location and permitting of commercial hazardous waste management facilities by July 1, 1992. The standards and criteria shall be developed through public participation and enforced by the Permit Board.</p> <p>The standards and criteria include the following, in addition to all applicable State and Federal rules and regulations:</p> <ul style="list-style-type: none"> C hydrological and geological factors, such as flood plains, depth to water table, soil composition and permeability, cavernous bedrock, seismic activity and slope; C natural resources such as wetlands; endangered species habitats; proximity to parks, forests, wilderness areas and historical sites; and air quality; C local land use whether residential, industrial, commercial, recreational or agricultural; C proximity to public water supplies; C proximity to incompatible structures such as schools, churches and airports; C transportation factors, such as proximity to waste generators and to population, route safety and method of transportation; and C aesthetic factors such as the visibility, appearance and noise level of the facility.
	PA PDP	<i>[17-17-2]</i> <i>[49-17-17(a)]</i>	The Commission also has the authority for the administration and enforcement of the Solid Wastes Disposal Law of 1974 (Title 17, Chapter 17, Mississippi Code of 1972).

¹PPA = Pre-permit application provision PA = Post permit application, but prior to draft permit provision PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Mississippi Department of Environmental Quality	PA PDP	<i>[17-17-2]</i>	The Mississippi Department of Environmental Quality, together with the Mississippi Commission on Environmental Quality, has the authority for the administration and enforcement of the Solid Wastes Disposal Law of 1974 (Title 17, Chapter 17, Mississippi Code of 1972).
The Permit Board	PA	<i>[49-17-28]</i>	<p>The Permit Board is created for the purpose of issuing, modifying, revoking or denying permits for a variety of media, including hazardous waste management. The membership of the Permit Board shall consist of the following individuals or their designees:</p> <ul style="list-style-type: none"> C the Chief of the Bureau of Environmental Health of the State Board of Health; C the Director of the Division of Wildlife and Fisheries of the Department of Wildlife, Fisheries and Parks; C the Director of the Bureau of Land and Water Resources of the Department of Environmental Quality; C the Supervisor of the State Oil and Gas Board; C the Executive Director of the Department of Marine Resources; C the Director of the Bureau of Geology and Energy Resources of the Department of Environmental Quality; C the Commissioner of Agriculture and Commerce; plus C The following individuals to be appointed by the Governor for a term concurrent with that of the Governor and until his successor is appointed and qualified: <ul style="list-style-type: none"> C a retired professional engineer knowledgeable in the engineering of water wells and water supply systems; C a retired water well contractor. <p>The retired engineer and water well contractor shall vote only on matters pertaining to the Bureau of Land and Water Resources.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
The Governor	NA	<i>[17-18-47]</i>	C The Governor, by executive order, may suspend the process of siting a state commercial hazardous waste management facility under the Siting Act if the Permit Board or the U.S. EPA issues a RCRA permit for the operation of a commercial hazardous waste management facility within the State.
	NA	<i>[17-18-47]</i>	C The Governor, by executive order, may rescind the suspension of the facility siting process if he deems such action to be necessary to site a state commercial hazardous waste management facility within the State and adjust the timetable for the facility siting process accordingly.
THE INTERAGENCY COORDINATING COUNCIL			
No provision found, except for the provision addressing composition of the Permit Board.			
INDEPENDENT SITING BOARD			
The Department of Finance and Administration (Department)			
Executive Director of the Department of Finance and Administration (Department)	NA	<i>[17-18-23]</i>	On or before October 1, 1992, the Executive Director of the Department of Finance and Administration shall purchase or otherwise acquire property for the state commercial hazardous waste management facility site on behalf of the State of Mississippi. If purchased, the title of the property is vested in the State by and through the Department.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Responsibilities and duties of the Department relative to the siting of the state commercial hazardous waste management facility	NA	[17-18-25]	<p>Relative to the siting of the state commercial hazardous waste management facility, the Department has the following responsibilities:</p> <p>C The Department shall actively seek a qualified private contractor to design, construct and operate the facility.</p> <p>C If the Department is unable to successfully negotiate and execute a contract for the design, construction and operation of a facility, then, no later than January 1, 1993, the Executive Director of the Department shall certify to the Governor in writing to that effect.</p> <p>C After the written certification, the Department shall design, construct and operate the facility.</p>
Authority of Department to sell facility site	NA	[17-18-27]	The Department may sell the real property for the site and any improvements on it to any non-governmental entity that meets all Federal and State requirements for the operation of a commercial hazardous waste management facility. The Department must comply with a specified bidding process.
Report of the Department to the Legislature	NA	[17-18-43]	The Department of Finance and Administration is required to report to the Legislature on January 1 of each year regarding its progress in its activities under the Siting Act. The report must include an accounting of the collection and expenditures of funds.
The Hazardous Waste Facility Siting Authority (Authority)			
Hazardous Waste Facility Siting Authority (Authority)	NA	[17-18-7(1)]	The Hazardous Waste Facility Siting Authority (the Authority), is located within the Department of Finance and Administration but it has the authority to exercise all of its powers independently of the Department. It is, however, subject to the direction and supervision of the Executive Director of the Department, who is also the chief administrative officer of the Authority, with respect to the management functions of administration, coordination and reporting.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Life Span of the Authority	NA	<i>[17-18-7(2)]</i>	The Authority stays in existence until 30 days after the Department of Finance and Administration acquires a site. Upon its termination, all of the rights and properties shall pass to and be vested in the State.
Appointment and structure of the Authority	NA	<i>[17-18-7(4)]</i>	The Governor appoints 5 members, one from each congressional district, with the advice and consent of the Senate. Members include persons with expertise in the technical, legal, financial and other aspects of hazardous waste management and must represent the diverse interests of the State.
Power of the Authority to adopt rules and regulations	NA	<i>[17-18-9(a)]</i>	The Authority has the power to adopt rules specifying criteria and methodology for site selection as submitted by the Hazardous Waste Technical Siting Committee.
Power of the Authority to select site for the state hazardous waste management facility	NA	<i>[17-18-9(b)]</i> <i>[17-18-21(1)]</i>	The Authority shall select one site as the designated site for the state commercial hazardous waste management facility from the three (3) candidate sites submitted by the Hazardous Waste Technical Siting Committee. The site selection shall be made in writing to the Governor and Executive Director of the Department of Finance and Administration on or before January 1, 1992.
		<i>[17-18-21(1)]</i>	C The designation shall include a description of the process by which the designated site was selected; and
		<i>[17-18-21(1)]</i>	C Priority shall be given to the selection of a site meeting all of the site selection criteria located on state-owned land described in section 17-18-13(d) and in communities interested in voluntarily hosting the state commercial hazardous waste management facility.
		<i>[17-18-21(3)]</i>	C If it is determined that any permit or license necessary for the construction or operation of the state commercial hazardous waste management facility cannot be obtained if the facility is located at the designated site, then the Authority shall designate a site from the remaining two (2) candidates.
Power of the Authority to conduct studies and analyses	NA	<i>[17-18-9(c)]</i>	The Authority may conduct or cause to be conducted studies, analyses or evaluations.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Power of the Authority to apply for and accept grants	NA	<i>[17-18-9(d)]</i>	The Authority may apply and contract for and accept any grants or gifts for its activities.
Power of the Authority to enter into contracts	NA	<i>[17-18-9(e)]</i>	The Authority may enter into contracts and perform all acts necessary, convenient or desirable to carry out its powers and duties. All contracts shall be executed by the Department of Finance and Administration, subject to final approval by the Authority.
Power of the Authority to hold public meetings or hearings	NA	<i>[17-18-9(f)]</i> <i>[17-18-21(2)]</i>	The Authority shall conduct public meetings or hearings in furtherance of its activities. The public hearing must be held in the county of each of the three (3) candidate sites prior to the Authority's submission of the designated site to the Governor and the Executive Director of the Department of Finance and Administration.
The Hazardous Waste Technical Siting Committee			
The Hazardous Waste Technical Siting Committee (Committee)	NA	<i>[17-18-11(1)]</i>	<p>C The Hazardous Waste Technical Siting Committee (Committee) is located within the Department of Finance and Administration but has the authority to exercise all of its powers independently of the Department.</p> <p>C It is subject to the direction and supervision of the Executive Director of the Department of Finance and Administration with respect to the management functions of administration, coordinating and reporting.</p>
Life Span of the Committee	NA	<i>[17-18-11(2)]</i>	The Committee stays in existence until 30 days after the facility operation begins. Upon its termination, all of the rights and properties shall pass to and be vested in the State.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Appointment and composition of the Committee	NA	<i>[17-18-11(4)]</i>	<p>The Committee must consist of no more than twelve (12) members, including the following:</p> <ul style="list-style-type: none"> C the Director of the Emergency Management Agency, C the State Economist; C the Executive Director of the Department of Economic and Community Development, C the Director of the Highway Department, C the State Chemist, and C no more than seven (7) members to be appointed by the Commissioner of Education by July 1, 1990, from persons who are knowledgeable in aspects of hazardous waste management and with expertise in: <ul style="list-style-type: none"> - geology, - water resources, - environmental engineering, - environmental biology/ecology, - environmental health, - sociology, - governmental affairs, - production agriculture, or - cultural resources.
Power of Committee to recommend technology and design capacity	NA	<i>[17-18-13(a)]</i>	The Committee shall recommend to the Authority, in accordance with Section 49-29-7, the technology and design capacity of each component of the state commercial hazardous waste management facility operated under the Siting Act.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Power of Committee to develop site selection criteria and methodology	NA	<i>[17-18-13(b)]</i>	The Committee shall develop criteria and methodology for selecting sites for the state hazardous waste management facility.
	NA	<i>[17-18-15(1)]</i> <i>[17-18-15(2)]</i>	The Committee shall develop the criteria on or before April 1, 1991, and must: C take into account the technologies and design capacity of the state commercial hazardous waste facility, C provide for public participation, C incorporate criteria into rules, C include a written justification for each criterion, C be consistent with all applicable Federal and State laws, C develop criteria and methodology in light of the best available scientific data, C apply criteria and methodology equally to all counties, and C hold a public hearing prior to finalizing the site selection criteria and the site selection methodology.
	NA	<i>[17-18-15(1)(a)-(h)]</i>	The site selection criteria and methodology shall be based on at least the following factors: C hydrological and geological factors, C environmental and public health factors, C natural and cultural resources, C socioeconomic factors, C transportation factors, C aesthetic factors, C availability and reliability of public utilities, and C availability of emergency response personnel and equipment.
Power of Committee to seek volunteer communities for siting a facility	NA	<i>[17-18-13(c)]</i>	The Committee shall actively seek volunteer communities interested in hosting the state commercial hazardous waste management facility.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Power of Committee to implement site selection criteria and methodology	NA	<i>[17-18-13(d)]</i>	<p>The Committee has the power to implement the site selection criteria and site methodology to determine three (3) candidate sites according to the following procedures:</p> <ul style="list-style-type: none"> C The site determination must be made in writing to the Authority. C Priority shall be given to potential sites located on State-owned property and in communities interested in voluntarily hosting the state commercial hazardous waste management facility. C If site is to be located on State-owned property, the site shall be no less than 300 acres owned by the State on March 31, 1990, but the entire tract need not be used in the operation of the facility.
	NA	<i>[17-18-19(1)]</i>	<p>On or before October 1, 1991, the Committee shall recommend in writing to the Authority three (3) candidate sites, with priority being given to state-owned land as described in section 17-18-13(d) and to volunteer communities. The recommendation shall include the following:</p> <ul style="list-style-type: none"> C a comparative evaluation relative to the site selection criteria of each candidate site with other sites and locations, and C a description of the implementation of the site selection methodology by which the sites were recommended.
Power of Committee to involve other State agencies	NA	<i>[17-18-13(e)]</i>	The Committee may request information and assistance from any State agency which has data or expertise to assist the Committee in the identification of sites, except that no agency which has the authority to issue a license or permit for the construction or operation of the facility shall participate in the site selection process in a way that would result in an actual or apparent conflict of interest.
Power of Committee to conduct studies and analyses	NA	<i>[17-18-13(f)]</i>	The Committee may conduct or cause to be conducted studies, analyses or evaluations.
Power of Committee to apply for and accept grants	NA	<i>[17-18-13(g)]</i>	The Committee may apply and contract for and accept any grants or gifts for its activities.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Power of Committee to enter into contracts	NA	<i>[17-18-13(h)]</i>	The Committee may enter into contracts and perform all acts necessary, convenient or desirable to carry out its powers and duties. All contracts shall be executed by the Department of Finance and Administration, subject to final approval by the Committee.
Power of Committee to hold public meetings or hearings	NA	<i>[17-18-13(i)]</i>	As part of its powers and duties, the Committee shall conduct public meetings or hearings in furtherance of its activities and make a permanent record of them.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
LOCAL COMMUNITY NEEDS AND INVOLVEMENT			
LOCAL REVIEW/INVOLVEMENT			
Volunteer Host Community for Hazardous Waste Management Facility			
Procedures for volunteer host community	NA	[17-18-17(1)]	<p>A community desiring to volunteer to host the state commercial hazardous waste management facility may propose to do so and must comply with the following requirements:</p> <ul style="list-style-type: none"> C adopt a resolution by a majority vote of the governing body of the local governmental unit; C the governing body shall: <ul style="list-style-type: none"> - hold a minimum of two (2) public hearings prior to submission of a resolution, and - advertise its intent to hold public hearings in a newspaper of general circulation in the county; the advertisement must meet very specific requirements (see section on Public Participation).
Committee's assessment of Community's proposal	NA	[17-18-17(1)]	<ul style="list-style-type: none"> C The Committee shall determine the adequacy of any proposal to voluntarily host the state commercial hazardous waste facility. C Once a proposal has been accepted in writing by the Committee, the resolution making the proposal may not be rescinded by the governing body, unless the management category determined under Section 49-29-7 is changed after the date of the submission of such category determination to the Hazardous Waste Technical Siting Committee.
Negotiations between local governmental unit and the Department of Finance and Administration	NA	[17-18-39(1)]	The local governmental unit wherein the site is designated may negotiate with the Department of Finance and Administration with respect to any issue relating to the facility, EXCEPT:

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
			<p>C the need for the facility;</p> <p>C any proposal to reduce the powers or duties of the Department, the Authority or the Committee, or under any permit or license issued for the facility;</p> <p>C any proposal to reduce the powers or duties of the Commission on Environmental Quality or the Environmental Quality Permit Board or to make less stringent any rule of the Commission on Environmental Quality; or</p> <p>C any decision of the Committee, the Authority, the Department of Finance and Administration or the Environmental Protection Council regarding site selection, contractor selection, selection of waste management category or technology.</p>
Designated Site Local Advisory Committee			
Appointment and composition of a designated site Local Advisory Committee	NA	<i>[17-18-35(1)]</i>	<p>C Upon site designation for the state commercial hazardous waste management facility, the governing body of the local governmental unit may appoint a designated site Local Advisory Committee consisting of seven (7) members representing insofar as possible:</p> <ul style="list-style-type: none"> - local government, - environmental groups, - health groups, - engineering, - business and industry, - agricultural groups, - academic groups, - public interest, and - emergency response groups. <p>C If the designated site is in a municipality, the governing body of the county in which the municipality is located may appoint two (2) of the seven members.</p> <p>C The Local Advisory Committee shall elect a Chairman, Vice Chairman and a Secretary.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Duties and responsibilities of the designated site Local Advisory Committee	NA	<i>[17-18-35(2)]</i>	<p>The designated site Local Advisory Committee may:</p> <ul style="list-style-type: none"> - study the costs and benefits associated with the facility; - review all permit and license applications related to the proposed facility; - hire program and technical consultants to assist in the review process; - assess the potential local environmental and socioeconomic impacts of the facility; - promote public education, information and participation in the permitting process; - develop and propose agreements between the Department of Finance and Administration, the facility operator, local governments and other persons; - develop and present recommendations concerning permit conditions, operational requirements, compensation and incentives related to the proposed facility; - hire a mediator to facilitate negotiations between the Department of Finance and Administration and the governing body of the local governmental unit; and - reimburse the Advisory Committee members for reasonable and necessary expenses.
OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT			
The Hazardous Waste Technical Siting Committee may involve other State agencies	NA	<i>[17-18-13(e)]</i>	The Committee may request information and assistance from any State agency which has data or expertise to assist the Committee in the identification of sites, except that no agency which has the authority to issue a license or permit for the construction or operation of the facility shall participate in the site selection process in a way that would result in an actual or apparent conflict of interest.
COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS			
No provisions found.			
IMPACT OF FACILITY ON LOCAL LAND USE			
Conflict with local land use and local zoning	PA	264.S2.5.1	No commercial hazardous waste management facility shall be established or expanded if the site would be in conflict with lawful regulations or ordinances of state agencies or local governments.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Needs Assessment			
Demonstration of need required for a commercial hazardous waste management facility	PA	<i>[17-17-151(1)]</i>	Each permit application for a commercial hazardous waste management facility must be accompanied by a demonstration of need for such a facility in the anticipated service area.
Required documentation for demonstration of need	PA	<i>[17-17-151(2)]</i>	<p>The demonstration of need must include at least the following:</p> <ul style="list-style-type: none"> C documentation of the available capacity at existing commercial hazardous waste management facilities in the area to be served by the facility; C documentation of the current volume of hazardous waste generated in the area to be served; C documentation of the volume of hazardous waste reasonably expected to be generated in the area to be served over the next 20 years; C a description of any additional factors, such as physical limitations on the transportation of the hazardous waste or the existence of additional capacity outside of the area to be served which may satisfy the projected need.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Factors to be considered by the Permit Board in evaluating need for facility	PA	<i>[17-17-151(3)]</i>	<p>The Permit Board shall consider the following factors in evaluating the need for the proposed facility:</p> <ul style="list-style-type: none"> C the extent to which the proposed commercial hazardous waste management facility is in conformance with the Mississippi Capacity Assurance Plan and any associated interstate or regional agreements; C an approximate service area for the proposed facility which takes into account the economics of hazardous waste collection, transportation, treatment, storage and disposal; C the quantity of hazardous waste generated within the anticipated service area suitable for treatment, storage or disposal at the proposed facility; C the design capacity of existing commercial hazardous waste management facilities located within the anticipated service areas of the proposed facility; and C the extent to which the proposed facility is needed to replace other facilities.
Ground for denial of permit by the Permit Board	PA	<i>[17-17-151(5)]</i>	The Permit Board may deny a permit if it determines that a proposed commercial hazardous waste facility is inconsistent with or contradictory to the factors outlined above for a needs assessment.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
PUBLIC PARTICIPATION			
The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf within the Part 124 Procedures for Decisionmaking. (State regulations cannot be less stringent than the federal counterparts.)			
NOTIFICATION			
Notification by volunteer host community for hazardous waste site	NA	<i>[17-18-17(1)]</i>	<p>The local governing body of a community desiring to volunteer to host a state commercial hazardous waste management facility shall:</p> <ul style="list-style-type: none"> C advertise its intent to hold public hearings in a newspaper of general circulation in the county using an ad that must meet very specific requirements; C whenever possible, advertise in a newspaper that is published at least five (5) days a week and is of general interest and readership in the community; C run the advertisement once each week for the two (2) weeks prior to the public hearings; and C state in the advertisement that the governing body will meet on a certain day, time and place fixed in the advertisement, which shall not be less than seven (7) days after the day the first advertisement is published.
Notice to landowners	PA	264.S2.9.	Within 60 days after the date on which a permit application to establish or expand a commercial hazardous waste facility is filed with the Department, the applicant must give notice of the filing to all landowners within one-half mile of the property line of the proposed facility.
Compliance with Federal notification requirements as part of the permit process	PA	40 CFR Part 124	Requirements of 40 CFR Part 124.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
PUBLIC MEETINGS			
Public meetings by the Hazardous Waste Technical Siting Committee	NA	<i>[17-18-13(i)]</i>	As part of its powers and duties, the Hazardous Waste Technical Siting Committee shall conduct public meetings and make a permanent record of the meeting in furtherance of its activities.
Public meetings by the Hazardous Waste Siting Authority	NA	<i>[17-18-9(f)]</i>	As part of its powers and duties, the Hazardous Waste Siting Authority shall conduct public meetings and make a permanent record of each meeting in furtherance of its activities.
PUBLIC HEARINGS			
Public hearing by a volunteer host community for a hazardous waste management facility	NA	<i>[17-18-17(1)]</i>	The local governing body of a community desiring to volunteer to host a state commercial hazardous waste management facility shall hold a minimum of two (2) public hearings prior to submission of a resolution to the Hazardous Waste Technical Siting Committee.
Public hearing by the Hazardous Waste Management Technical Siting Committee	NA	<i>[17-18-15(2)]</i>	The Committee shall hold a public hearing prior to the finalization of the site selection criteria and the site selection methodology.
Public hearing by the Hazardous Waste Facility Siting Authority	NA	<i>[17-18-21(2)]</i>	The Authority shall hold a public hearing in the county of each of the three (3) candidate sites prior to their submission of the designated site to the Governor and the Executive Director of the Department of Finance and Administration.
Compliance with Federal permit hearing requirements as part of the permit process	PA	40 CFR Part 124	Requirements of 40 CFR Part 124.
ADJUDICATORY HEARINGS			
No provisions found.			

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
OTHER PUBLIC PARTICIPATION			
Promotion of public education, information, and participation	NA	<i>[17-18-35(1)]</i>	As part of its duties, the designated site Local Advisory Committee may promote public education, information and participation in the permitting process.

¹PPA = Pre-permit application provision PA = Post permit application, but prior to draft permit provision PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
SITING RESTRICTIONS AND PROHIBITIONS			
Federal siting restrictions and prohibitions can be viewed at http://www.epa.gov/epacfr40/chapt-I.info/subch-I/ by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than the federal counterparts.)			
SOIL AND WATER			
Location in unstable areas	PA	264.S2.3.3.	<p>No commercial hazardous waste management facility shall be established or expanded such that it would be located in an unstable area unless the applicant can demonstrate to the Permit Board that the facility will be designed so that the structural integrity of the facility will be maintained. At a minimum, the following factors must be considered:</p> <ul style="list-style-type: none"> C on-site or local soil conditions that may result in significant differential settling; C on-site or local geologic or geomorphologic features; and C on-site or local human-made features or events (both surface or subsurface).
Geologic barrier thickness and permeability	PA	264.S2.3.4.	<p>No commercial hazardous waste management unit shall be established or expanded such it would be located in an area where a geologic barrier material of soils or rock formations with low permeability is not present between the unit the uppermost aquifer. The following conditions must be met:</p> <ul style="list-style-type: none"> C the barrier must be at least 150 ft thick; and C the upper 50 feet of the geologic barrier material must have a saturated hydraulic conductivity averaging no greater than 1×10^{-7} cm/sec, including consideration of any significant discontinuities and lithologic changes. <p>Hydraulic conductivity values averaging no greater than 1×10^{-6} cm/sec will be acceptable in the material comprising the remainder of the geologic barrier below the 50-foot section exhibiting the 1×10^{-7} cm/sec hydraulic conductivity values.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Presence of hydrocarbon well	PA	264.S2.3.5.a.	No commercial hazardous waste management facility must be established or expanded such that an active, inactive, or abandoned hydrocarbon well is present within or beneath the active portion of the facility.
Presence of water wells	PA	264.S2.3.5.b.	<p>C No commercial hazardous waste management facility must be established or expanded such that an active, inactive, or abandoned water or other special purpose hole is present within or beneath the active portion of the facility, unless it can be demonstrated to the satisfaction of the Permit Board that such a well or hole has been abandoned according to applicable State abandonment procedures and regulations.</p> <p>C The criterion may be waived if the Permit Board determines that the wells or other special purpose holes are necessary for the detection or removal of contaminants within the active portion of the facility.</p>
Location in outcrop area of a sole source aquifer	PA	264.S2.3.6.a.	No land-based commercial hazardous waste management facility shall be established or expanded such that it would be located in the outcrop area of a sole source aquifer designated by US EPA on the date the permit application is submitted.
Location in outcrop area of a freshwater aquifer	PA	264.S2.3.6.b.	A new land-based commercial hazardous waste management facility or expansion of such a facility cannot be located in the outcrop area of a freshwater aquifer which has use as a present or potential source of water for a “community waster system” (the system is defined in 40 CFR 141.2).

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Subsurface requirement	PA	264.S2.3.7	A new commercial hazardous waste management facility or an expansion of such a facility cannot be located on any property for which the permit applicant does not own the mineral rights within the boundary of the proposed facility.
Location near surface waters	PA	264.S2.4.6	<p>A new commercial hazardous waste facility or an expansion of such a facility must not be located within 0.5 mile of the banks of any section of:</p> <ul style="list-style-type: none"> C a river, C stream, C lake, or C coastal waters classified by the Commission on Environmental Quality as recreational or shellfish harvesting. <p>In addition, no commercial hazardous waste facility shall be established or expanded such that the active portion of the facility is located closer than 500 feet from the banks of a stream, river, lake, reservoir, or coastal waters.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
SEISMIC CONSIDERATIONS			
Location near a fault	PA	264.S2.3.2.a	<p>No commercial hazardous waste management facility shall be established or expanded such that it would be located closer than 200 feet to any fault along which displacement has occurred during the Holocene epoch, unless a site-specific demonstration is made showing that any movement along the Holocene fault and in the adjacent zone of deformation will not:</p> <p>C disrupt the contents of any unit or damage the structural integrity of any unit or C in any way threaten human health or the environment.</p> <p>In addition, the owner or operator may be required to perform site and regional studies to demonstrate that the zone of deformation associated with the fault is less than 200 feet.</p>
Location in a seismic impact zone	PA	264.S2.3.2.b	No commercial hazardous waste management land-based unit shall be established or expanded such that it would be located in a seismic impact zone.
Location in area susceptible to specified damage	PA	264.S2.3.2.c	<p>Unless it can be demonstrated that appropriate engineering measures will be applied to ensure unit structural integrity and to mitigate the threats posed to human health and the environment, no commercial hazardous waste management facility shall be established or expanded so that it is located in areas susceptible to damage caused by any of the following:</p> <p>C ground shaking, C liquefaction, or C seismic wave motion based on approved seismic risk maps or methods.</p>
Compliance with Federal location standards for non-commercial hazardous waste facilities	PA	Part 264	Requirements of 40 CFR 264.18 location standards.

¹PPA = Pre-permit application provision PA = Post permit application, but prior to draft permit provision PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
FLOODING AND EROSION			
Requirements for location of commercial hazardous waste facility in floodplains	PA	264.S2.3.1	<p>No commercial hazardous waste management facility must be established or expanded in a 100-year floodplain unless the permit applicant can demonstrate that the proposed facility meets the following requirements:</p> <p>C will not restrict the flow of the 100-year flood; C reduce the temporary water storage capacity of the floodplain; or C result in washout of hazardous waste so as to pose a hazard to human health or the environment.</p>
Compliance with Federal location standards requirements	PA	Part 264	Requirements of 40 CFR 264.18 location standards.
AIR			
Compliance with air and water pollution control permit requirements	PA	264.S2.4.7	An applicant for a permit for a new commercial hazardous waste management facility or for an expansion of such a facility is required to comply with the State's Guidelines for Review of Siting Criteria in Application for Air and Water Pollution Control Permits.
DISTANCE LIMITATIONS/BUFFER ZONES			
Distance from parks and recreational areas	PA	264.S2.4.4	<p>No commercial hazardous waste management facility shall be established or expanded such that it would be located within 0.5 miles of any of the following areas, without the specific written consent of the agency responsible for managing such area:</p> <p>C a national, state or city designated park; or C an outdoor recreational area, such as a golf course or swimming pool, owned by a city, county or other public agency.</p> <p>The Permit Board may establish a greater setback distance on a site-specific basis.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Distance from surface waters	PA	264.S2.4.6.a.	A new commercial hazardous waste facility or an expansion of such a facility must not be located within 0.5 mile of the banks of any section of: C a river, C stream, C lake, or C coastal waters classified by the Commission on Environmental Quality as recreational or shellfish harvesting.
Distance of active portion of facility from surface waters	PA	264.S2.4.6.b.	No commercial hazardous waste facility shall be established or expanded such that the active portion of the facility is located closer than 500 feet from the banks of: C a stream, C river, C lake, C reservoir, or C coastal waters.
Distance from residences	PA	264.S2.5.2.a. & 264.S2.5.2.b.	No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be located as indicated below: C less than 1,000 feet from any residence in existence on the date the permit application is submitted to the Department; or C within one mile of a residential area in existence on the date the permit application is submitted to the Department, unless the proposed facility is located in an established industrial park. C For facilities located in an industrial park, the facility shall not be located less than 1,000 feet from any residential area in existence on the date the application is submitted to the Department. Definitions for “residential area” and “single-family dwelling unit” are provided.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Distance from public water supply sources	PA	264.S2.5.3.a. & 264.S2.5.3.b.	<p>No commercial hazardous waste land-based unit shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department:</p> <p>C within one mile of any well supplying water to a community water system as defined in 40 CFR 141.2.</p> <p>C within one mile from a surface water intake for a public water supply; if the runoff from the facility would enter the water body upgradient of the intake structure, the distance shall be increased to at least 20 miles</p>
Distance from buildings housing multiple relatively immobile occupants	PA	264.S2.5.5	<p>No commercial hazardous waste land-based facility shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located within one mile of any of the following existing institutions:</p> <p>C hospital,</p> <p>C nursing home,</p> <p>C school, or</p> <p>C other multi-occupant institution providing services to immobile populations.</p>
Distance from churches	PA	264.S2.5.6.	No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located within 1,000 feet of any existing church.
Distance from municipalities	PA	264.S2.5.7.	No commercial hazardous waste incinerator or land-based unit shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located within half a mile of the incorporated limits of any existing municipality.

¹PPA = Pre-permit application provision PA = Post permit application, but prior to draft permit provision PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Distance from existing or abandoned ordinary waste disposal sites	PA	264.S2.5.8	No commercial hazardous waste landfill shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located on the same site or within 1,000 feet of an existing or abandoned ordinary disposal site, unless the hazardous waste to be disposed of is specifically approved to be exempted from this prohibition by the Department.
Additional buffer zones	PA	264.S2.8	On a case-by-case basis, and using good engineering judgment, the Permit Board may establish additional buffer zone requirements for new or expanding commercial hazardous waste management facilities and around all other hazardous waste management facilities for the protection of the public health or environment, or because of proximity of such things as: C individual residences, C roadways, C waterways, C commercial establishments, C existing or abandoned solid or hazardous waste facilities, or C other natural or man-made structures.
OTHER HUMAN HEALTH CONSIDERATIONS			
No provisions found.			
ENVIRONMENTALLY SENSITIVE AREAS			
Endangered Species	PA	264.S2.4.2	No commercial hazardous waste management facility shall be established or expanded unless in compliance with all statutes, rules and regulations concerning protection of endangered or threatened species within the jurisdiction of U.S. Fish and Wildlife Service and the Mississippi Department of Wildlife, Fisheries, and Parks.
Wetlands	PA	264.S2.4.1	C No commercial hazardous waste management facility shall be established or expanded in wetlands unless the permit applicant obtained formal written approval from the U.S. Army Corps of Engineers.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Wetlands (Continued)			<p>C For such facilities to be located in coastal wetlands, the applicant must obtain formal written concurrence from the Bureau of Marine Resources of the Mississippi Department of Wildlife, Fisheries, and Parks.</p>
Wild, Scenic or Recreational Areas			
Parks and recreational areas	PA	264.S2.4.4	<p>No commercial hazardous waste management facility shall be established or expanded such that it would be located within 0.5 miles of any of the following areas, without the specific written consent of the agency responsible for managing such area:</p> <p>C a national, state or city designated park; or</p> <p>C an outdoor recreational area, such as a golf course or swimming pool, owned by a city, county or other public agency.</p> <p>The Permit Board may establish a greater setback distance on a site-specific basis.</p>
Forests, wilderness, wildlife management and natural areas	PA	264.S2.4.5	<p>No commercial hazardous waste management facility shall be established or expanded such that it would be located within any of the following areas, without the specific written consent of the person responsible for managing such area:</p> <p>C national forest land, national wilderness areas, and national wildlife refuge areas;</p> <p>C State wildlife management areas, State game management areas, and State natural areas, as designated by the Mississippi Department of Wildlife, Fisheries and Parks.</p> <p>The Permit Board may establish a greater setback distance on a site-specific basis.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Approved Farmland Preservation Areas			
Protection of agriculture, aquaculture, forestry, fish and wildlife	PA	264.S2.4.8	C No commercial hazardous waste incinerator or landfill shall be located such that operations of the facility would have a significant adverse impact on agriculture, aquaculture, forests, fish, or wildlife.
			C For facilities located within a five-mile radius of such areas, the permit applicant must provide to the Department of Environmental Quality, a documented report, predicting any impacts of the proposed facility.
Other Environmentally Sensitive Areas			
Impact on significant historical and archaeological areas	PA	264.S2.4.3	No commercial hazardous waste management facility shall be established or expanded in such a manner as to impact significantly and adversely cultural resources listed in or eligible for listing in the National Register of Historic Places, unless impact to those cultural resources may be appropriately mitigated.
Proximity to airports	PA	264.S2.5.4	No commercial hazardous waste management facility shall be established or expanded such that it would adversely affect operations or safety at any airport in existence on the date the permit application is submitted to the Department.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
OTHER RESTRICTIONS			
Transportation factors	PA	264.S2.6.	<p>An applicant for a permit to establish or expand a commercial hazardous waste management facility must demonstrate to the Permit Board that the anticipated additional traffic along the primary route to the facility would not significantly increase the safety risk within a 10-mile radius of the active portion of the facility.</p> <p>The demonstration must address, at least, the following:</p> <ol style="list-style-type: none"> (1) the primary route(s) to be used within a 10-mile radius of the active portion of the facility; (2) an estimate of the number and types of vehicles routinely traveling on the primary route(s) within a 10-mile radius, (3) an estimate of the number and types of vehicles expected to transport hazardous waste to the facility via the primary route(s), (4) an estimate of the loaded weight of each type of vehicle expected to transport hazardous waste to the facility via the primary route(s), and (5) the proximity of waste generators. <p>The Permit Board may require such reasonable restrictions and limitations as it deems appropriate necessary regarding the primary route(s) if it determines that the primary route(s) to the facility would significantly increase the safety risks within the 10-mile radius.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Visibility and appearance of the facility	PA	264.S2.7.1.a & 264.S2.7.1.b	<p>Except for the following areas, no commercial hazardous waste management facility shall be established or expanded such that, on the date the permit application is submitted to the Department, the active portion of the facility would be less than 1,000 feet from the edge of the right-of-way of any interstate or primary highway, as designated by the State Highway Commission:</p> <ul style="list-style-type: none"> C locations screened by natural objects, planting, fences, or other appropriate means so as not to be visible from the main-traveled highway system, or otherwise removed from sight; C locations within areas zoned for industrial use; C locations determined by the State Highway Commission to be acceptable pursuant to Mississippi Code Annotated Section 49-25-7; or C locations which will not be visible from the main-traveled highway system. <p>The Permit Board may, at its discretion, apply the above criteria to any public road other than an interstate or primary highway.</p>
Noise	PA	264.S2.7.2	<p>No commercial hazardous waste management facility shall be established or expanded unless the permit applicant can demonstrate to the Permit Board that the facility shall be located, configured, designed, constructed, and operated such that the noise level at the facility boundary during normal course of operation will not exceed the following limits:</p> <ul style="list-style-type: none"> C an eight-hour time weighted average (TWA) of 65 decibels between 7 a.m. and 7 p.m., or C an eight-hour TWA of 55 decibels between 7 p.m. and 7 a.m.

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [361.063]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

Mississippi Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ENVIRONMENTAL JUSTICE CONSIDERATIONS			
No provisions found.			
ECONOMIC CRITERIA			
Hazardous Waste Technical Siting Committee may consider socioeconomic factors	NA	<i>[17-18-15(1)(d)]</i>	As part of the development of site selection criteria and methodology for selecting sites for the state commercial hazardous waste management facility, the Hazardous Waste Technical Siting Committee is required to consider socioeconomic factors including, but not limited to, impact on local land uses, property values and governmental services.
Local Advisory Committee may consider economic factors	NA	<i>[17-18-35(1)]</i>	As part of its duties, the designated site Local Advisory Committee may: <ul style="list-style-type: none"> C study the costs and benefits associated with the State commercial hazardous waste management facility, and C assess the potential local environmental and socioeconomic impacts of the facility.
OTHER CRITERIA			
No other criteria found.			

¹PPA = Pre-permit application provision PA = Post permit application, but prior to draft permit provision PDP = Post draft permit provision

²Citations bracketed in italics (e.g., *[361.063]*) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.